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9
 10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA

12 CRUMP INSURANCE SERVICES, INC.,

13 Plaintiff,

14 vs.

15 MICHAEL P. McGRATH, an individual,
 16 ALL RISKS, LTD., a corporation, and
 Does 1 through 50, inclusive,

17 Defendant.

18 Case No. C-07-4636 MMC

19
 20 [PROPOSED] ORDER GRANTING
 21 DEFENDANT ALL RISKS, LTD.'S
 MOTION TO COMPEL MOTION TO
 22 COMPEL RESPONSES TO (1)
 23 RESPONSES TO REQUEST FOR
 PRODUCTION NO. 39; (2) RESPONSES
 TO REQUEST FOR PRODUCTION NO.
 24 40; (3) LISTS PREPARED BY PETER
 SCOTT WHICH ARE RESPONSIVE TO
 REQUESTS FOR PRODUCTION NO. 1, 10,
 25 13, 14, 19, 27; (4) EMAILS IDENTIFIED IN
 HARGROVE'S DEPOSITION; (5)
 DOCUMENTS FROM MCGRATH'S
 HARDDRIVE RESPONSEIVE TO
 REQUESTS FOR PRODUCTION NOS. 1, 2,
 26 5, 6, 7, 10, 11, 12, 13, 14, 15, 16, 24, 25, 33, 34,
 35; AND (6) COMPEL FURTHER
 DEPOSITION TESTIMONY REGARDING
 THESE DOCUMENTS

27
 28 Date: August 6, 2008
 Time: 9 a.m.
 Judge: Maxine M. Chesney
 Ctrm: 7

1 The instant motion came on for hearing before the above-entitled Court on August 6 ,
 2 2008, Defendant All Risks, Ltd. (“All Risks” or “Defendant”) appearing by and through its
 3 counsel of record, CURIALE DELLAVERSON HIRSCHFELD & KRAEMER, LLP, and
 4 Plaintiff Crump Insurances Services, Inc. (“Crump”) appearing by and through its counsel of
 5 record, JACKSON LEWIS, LLP.

6 **IT IS HEREBY ORDERED** that the motion is **GRANTED**. Crump is **ORDERED** to
 7 produce within ten (10) days of the date of this ORDER all documents responsive to All Risks’
 8 First, Second and Third Requests for Production Nos. 1, 2, 5, 6, 7, 10, 11, 12, 13, 14, 15, 16, 19,
 9 24, 25, 27, 33, 34, 35, 39, 40, without any redactions. Plaintiff is to either provide All Risks with
 10 all documents responsive to foregoing Requests, or to amend its responses to All Risks’ First,
 11 Second and Third Requests for Production to state that no responsive documents exist.

12 All Risks’ Request for Production No. 39 that seeks “All change of broker letters which
 13 REFER or RELATE to accounts previously handled by Cheryl Smith which changed to her new
 14 employer” is relevant to the parties’ claims and defenses, goes to whether Crump is consistent in
 15 its claims and establishes evidence of accepted industry practice in the wholesale insurance
 16 brokerage business. Crump’s objections are without merit. The request is not “vague, overbroad,
 17 ambiguous and susceptible to a variety of interpretations,” because the request seeks only a
 18 specific type of document – Broker of Record letters – within a limited time period after Cheryl
 19 Smith left Crump. Crump is **ORDERED** to produce all responsive documents for Request No.
 20 39.

21 All Risks’ Request for Production No. 40 that seeks “All change of Broker letters during
 22 the last five years naming CRUMP in place of ALL RISKS” is directly relevant to Crump’s
 23 claims and All Risks’ and McGrath’s defenses. Crump’s objections that the Request is “vague,
 24 overbroad, ambiguous and susceptible to a variety of interpretations” are without merit. The
 25 Request seeks a specific type of document – Broker of Record letters – within a finite period of
 26 time. The request is directly relevant to the claims of this matter. Crump is **ORDERED** to
 27 produce all responsive documents for Request No. 40.

28 All Risks’ request for the lists that Peter Scott made at the direction of All Risks’

1 attorneys should be produced because they are responsive to numerous requests for production
2 and are not subject to attorney-client privilege or the work product doctrine. Crump is
3 ORDERED TO produce the lists that Mr. Scott stated in his testimony that he would make in
4 response to All Risks counsel's question. These lists are responsive to All Risks' Request for
5 Production Nos. 1, 10, 13, 14, 19, 27.

6 Crump is **ORDERED** to produce the email or emails identified by Mr. Hargrove in his
7 deposition testimony between Defendant McGrath and Ms. Marty prior to the time they left
8 Crump's employ. The subject email(s) are responsive to All Risks' Requests for Production No.
9 6, 7, 10, 12, 15 and 16.

10 Crump is further **ORDERED** to produce all responsive documents located in Defendant
11 McGrath's hard drive. Defendant All Risks is entitled to all responsive documents that were in
12 McGrath's hard drive, as Defendant's definition of "DOCUMENTS" in its Requests for
13 Production includes "computer records, and other data compilations from which information can
14 be obtained or translated...." Responsive documents that were located in McGrath's hard drive
15 should be produced as potentially responsive to Defendant's Requests 1, 2, 5, 6, 7, 10, 11, 12, 13,
16 14, 15, 16, 24, 25, 33, 34 and 35.

17 **IT IS FURTHER ORDERED** that witnesses Peter Quinlan Scott and Glenn Hargrove
18 make themselves available for further deposition to answer questions regarding the documents
19 that are the subject of this ORDER.

20 **IT IS SO ORDERED.**

21 Dated: August _____ 2008

22

23 By: _____

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